

REMARKS

Claims 24-26 have been canceled. Claims 1-23 remain active in the case.

Reconsideration is respectfully requested.

The present invention relates to silicas that have an inhomogeneous structure or composition.

Claim Amendments

Claims 24-26 have been canceled. Accordingly, since the method aspects of the invention that are directed to how the silica of the invention is used have been deleted, the aspects of the invention of inventor Drexel are no longer being claimed in this nonprovisional application. Inventor Drexel has therefore been deleted from the inventorship of the application under the provisions 37 CFR 1.48(b1) by the filing of the document under 37 CFR 1.48(b1) that is attached to this filing.

Prior Art Rejection, 35 USC 102(e)

Claims 1-3, 6-9, 11-15, 18, 19 and 23 stand rejected based on 35 USC 102(e) as obvious over Uhrlandt et al, U. S. Patent 6,702,887. This ground of rejection is respectfully traversed.

Applicants hereby have filed a certified English translation of the original German application Serial No. 101 12 651 having a filing date of March 16, 2001. Having perfected the filing date of the priority application, which date antedates the U. S. filing date of the '887 patent, withdrawal of the rejection is respectfully requested.

Application No. 10/098,594
Reply to the Office Action dated June 15, 2004

Double Patenting Rejection

Claims 1-3, 6-15 and 18-23 stand rejected based on judicially created doctrine of obviousness-type double patenting as obvious over Claims 1-19 of Uhrlandt et al, U. S. Patent 6,613,309. This ground of rejection is believed overcome by the filing of the attached terminal disclaimer which specifically mentions U. S. Patent 6,613,309. Accordingly, withdrawal of the outstanding ground of rejection is respectfully requested.

Claims 1-23 stand rejected based on 35 USC 102(e) as obvious over Uhrlandt et al, U. S. Patent 6,702,887. This ground of rejection is believed overcome by the filing of the attached terminal disclaimer which specifically mentions U. S. Patent 6,702,887. Accordingly, withdrawal of the outstanding ground of rejection is respectfully requested.

It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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